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September 16, 2019

VIA ECF

The Honorable Steven C. Mannion
United States Magistrate Judge
United States District Court
District of New Jersey
Martin Luther King Building &
U.S. Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Re: ***White, et al. v. Samsung Electronics America, Inc., et al.,***
U.S.D.C., D.N.J., No. 2:17-cv-01775-MCA-SCM

Dear Magistrate Judge Mannion:

This office, along with Covington & Burling, represents Defendant Samsung Electronics America, Inc. ("Samsung") in the above matter. We respectfully submit the Joint Agenda Letter on behalf of all parties, Samsung, Defendant Sony Electronics Inc. ("Sony") and Plaintiffs, Thomas White and Patricia Cauley, in advance of the Telephone Status Conference scheduled for September 19, 2019 at 10:45 AM. (Dkt. No. 102).

First, the parties recently met and conferred and reached agreement on a number of scheduling and other issues, all of which were memorialized in a joint stipulation and proposed Order filed on the docket on September 4, 2019. (Dkt. No. 107).

By way of background, on September 26, 2018, U.S. District Judge Madeline Cox Arleo entered a Letter Order dismissing the First Amended Complaint ("FAC") in its entirety, but permitting Plaintiffs to file a Second Amended Complaint. (Dkt. No. 82.). On August 21, 2019, Judge Arleo entered a Letter Order dismissing all counts in the Second Amended Complaint except for Plaintiffs' Wiretap Act claim (Count Four). (Dkt. No. 104).

On September 4, 2019, Samsung filed a motion for reconsideration of the Court's decision with respect to the Wiretap Act claim, or in the alternative to certify for immediate interlocutory appeal pursuant to 28 U.S.C. § 1292(b). (Dkt. No. 105). On September 4, 2019, Sony, relying upon the legal arguments contained in Samsung's Brief, also filed a motion for reconsideration (limited to the Wiretap Act claim), or in the alternative to certify for immediate interlocutory appeal pursuant to 28 U.S.C. § 1292(b). (Dkt. No. 106).

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As noted above, the parties have met and conferred regarding the pending motions and the continued proceedings in this matter and have reached an agreement on further scheduling in this matter, as set forth in the joint stipulation and proposed Order (Dkt. No. 107), a courtesy copy of which is submitted herewith.

We thank the Court for its consideration of this submission.

Respectfully submitted,

s/ Michael R. McDonald

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